

Witness Name: **Kit Malthouse**

Statement no: **First**

Exhibit: **KM30**

Date: 29 February 2012

**THE LEVESON INQUIRY**

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Exhibit KM30 to the  
Witness Statement of **Kit Malthouse**

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HOME SECRETARY  
2 Marsham Street, London SW1P 4DF  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Kit Malthouse  
Chair of the MPA and Deputy Mayor of London for Policing  
10 Dean Farrar Street  
London SW1H 0NY

Dear Kit,

21 JUL 2011

### **Police Reform and Social Responsibility Bill**

Thank you for your letter of 18 July regarding the arrangements for the handling of senior officer appointments and conduct matters in the MPS.

The appointment of the Commissioner and Deputy Commissioner are the most significant policing appointments within United Kingdom. These appointments are treated differently to other chief officer appointments in the Bill owing to the Met's size, the resources it has at its disposal and its significant roles in national and counter terrorist policing. I am clear that because of these issues, these appointments must remain ones over which the Secretary of State has the final say. The provisions in the Bill require the Secretary of State to consider any recommendations that the MOPC makes with regards to the appointment of the Commissioner and representations made with regards to the appointment of the Deputy Commissioner, but the balance of responsibilities between the MOPC and the Secretary of State as set out in the Bill is the right one given the responsibilities the Metropolitan Police Service has outside London.

I acknowledge your concerns about the appointments process for Assistant Commissioners, Deputy Assistant Commissioners and Commanders. As you are aware, the Bill requires the Commissioner to consult with the MOPC before making these appointments. However, I do not believe that it would be appropriate for the Commissioner to seek the approval of the MOPC before they are made. These are key operational decisions with regards to the effective running of the Metropolitan Police Service and, therefore, should be decisions that are taken by the Commissioner. He or she is best placed to determine the mix of skills the Metropolitan Police Service needs at these ranks and should determine who is appointed to these ranks.

If the Commissioner is to be held to account for the decisions he or she makes with regards to the running of the Metropolitan Police Service, the MOPC must have some distance from these appointments. My concern is that the MOPC may be constrained in the future in challenging the Commissioner about decisions taken by these officers if their appointment was actually approved by the MOPC. While I believe wholeheartedly that we must ensure proper accountability to Londoners for these vital posts, I am concerned that your suggestion in relation to these appointments may actually reduce the ability of the MOPC to hold the Commissioner to account. As a result, I cannot agree to it.

On the matter of complaints and conduct matters in relation to ACPO officers, the Government is firmly of the opinion that these should be dealt with by the Chief Officer of Police as the employer and as the person charged with the statutory power of direction and control of the police force. It is a fundamental principle underpinning our reforms that, while the PCC or MOPC will have strong powers to hold the Chief Officer to account, in turn the Chief Officer will have strong powers and responsibility to run his or her force. In relation to all complaints and conduct matters the MOPC, and the PCCs more widely, will have the power to direct the Chief Officer to take action if it believes the force has not complied with its obligations in dealing with the complaint or conduct matter.

In relation to the IPCC role, you mention that they are brought in as an appeal body at the end of the process. The IPCC role is not limited to this - Chief Officers will still have to refer serious complaints and conduct matters (as defined in regulations and including allegations of serious corruption) to the IPCC for investigation, as they do now. This will ensure there is independence in the handling of serious complaints from the outset. I am confident that these measures provide the necessary safeguards to command public confidence in how complaints and conduct matters are dealt with under the new model.



**The Rt Hon Theresa May MP**